

22.03.2023.
27.
Ct.No.28.
as
(Allowed)

C.R.M. (DB) 1033 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Jamuria P.S. Case No.151 of 2022 dated 27.03.2022 under Section 304 of the Indian Penal Code.

In the matter of : Arjun Banabashi @ Arjun Yadav.
.... Petitioner.

Mr. Bitasok Banerjee,
Mr. A. K. Datta.
...for the Petitioner.

Mr. Prasun Kr. Datta, Id. A.P.P.,
Mr. Nirupam Dhali.
...for the State.

Petitioner is in custody for a year. He submits there was a drunken brawl between the parties. Petitioner did not intend to commit murder. He prays for bail.

Learned Advocate for the State opposes the bail prayer. He submits there are several eye witnesses to the incident.

We have considered the materials on record. It is contended parties were drinking and a dispute cropped up. Petitioner hit the victim with a brick which he had picked up at the spot.

Considering the aforesaid circumstances and the period of detention suffered by the petitioner and as there is no possibility of trial concluding in the near future, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Arjun Banabashi @ Arjun Yadav shall be released on bail upon furnishing a bond of Rs.25,000/- with two sureties of like amount each, one of

whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Asansol subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition petitioner while on bail shall remain within the subdivision of Asansol and provide the address to the Investigating Officer and court below and report to the Officer-in-charge of the Police Station concerned within whose jurisdiction he shall reside once in a week until further orders.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

This application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)